

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Michael R. Culp, Suzanna K. Culp,
Joseph F. Giacometti, Maryanne
Giacometti, and Wineot, Inc.,

Plaintiffs,

vs.

The Grape Franchise Group, LLC, a
Georgia limited liability company, Jack
Mazur, individually, and Martin Thallman,
individually,

Defendants.

CA No. 6:06-2982-HMH

OPINION & ORDER

This matter is before the court on The Grape Franchise Group, LLC, Jack Mazur, and Martin Thallman’s (collectively “Defendants”) motion to stay this action pending arbitration and to compel Michael R. Culp, Suzanna K. Culp, Joseph F. Giacometti, Maryanne Giacometti, and Wineot, Inc. (collectively “Plaintiffs”) to submit to arbitration. Plaintiffs consent to the Defendants’ motion. Therefore, the court grants the parties’ consent motion to compel arbitration. However, because all claims between the parties are submitted to arbitration, the case is dismissed. See Choice Hotels Int’l, Inc. v. BSR Tropicana Resort, Inc., 252 F.3d 707, 709-10 (4th Cir. 2001) (“[D]ismissal is a proper remedy when all of the issues presented in a lawsuit are arbitrable.”).

It is therefore

ORDERED that the motion to compel arbitration is granted. It is further

ORDERED that the case is dismissed with leave to refile.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
November 21, 2006